

AMENDED IN ASSEMBLY AUGUST 30, 2011

AMENDED IN ASSEMBLY AUGUST 25, 2011

AMENDED IN ASSEMBLY JUNE 28, 2011

AMENDED IN ASSEMBLY JUNE 16, 2011

AMENDED IN SENATE MAY 25, 2011

AMENDED IN SENATE APRIL 12, 2011

AMENDED IN SENATE MARCH 24, 2011

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**SENATE BILL**

**No. 337**

**Introduced by Senator Kehoe**

February 15, 2011

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An act to add Section 1940.4 to the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 337, as amended, Kehoe. Tenancy: political signs.

Existing law regulates the terms and conditions of residential tenancies, and prohibits a landlord from interfering with a tenant's quiet enjoyment of the premises. Existing law also prohibits the governing documents of a common interest development from prohibiting the posting or displaying of noncommercial signs, posters, flags, or banners on or in an owner's separate interest, except as specified.

This bill would prohibit a landlord from prohibiting a tenant from posting or displaying political signs relating to an election or legislative vote, the initiative, referendum, or recall process, or issues before a public body for a vote, except under certain circumstances. The bill would require a tenant to comply with the time period established by the local ordinance for the posting and removal of political signs or, in

the absence of those provisions, by reasonable time limits, as specified, established by the landlord.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1940.4 is added to the Civil Code, to  
2 read:  
3 1940.4. (a) Except as provided in subdivision (c), a landlord  
4 shall not prohibit a tenant from posting or displaying political signs  
5 relating to any of the following:  
6 (1) An election or legislative vote, including an election of a  
7 candidate to public office.  
8 (2) The initiative, referendum, or recall process.  
9 (3) Issues that are before a public commission, public board, or  
10 elected local body for a vote.  
11 (b) Political signs may be posted or displayed in the window or  
12 on the door of the premises leased by the tenant in a multifamily  
13 dwelling, or from the yard, window, door, balcony, or outside wall  
14 of the premises leased by a tenant of a single-family dwelling.  
15 (c) A landlord may prohibit a tenant from posting or displaying  
16 political signs in the following circumstances:  
17 (1) The political sign is more than six square feet in size.  
18 (2) The posting or displaying would violate a local, state, or  
19 federal law.  
20 (3) The posting or displaying would violate a lawful provision  
21 in a common interest development governing a document that  
22 satisfies the criteria of Section 1353.6.  
23 (d) A tenant shall post and remove political signs in compliance  
24 with the time limits set by the ordinance for the jurisdiction where  
25 the premises are located. A tenant shall be solely responsible for  
26 any violation of a local ordinance. If no local ordinance exists or  
27 if the local ordinance does not include a time limit for posting and  
28 removing political signs on private property, the landlord may  
29 establish a reasonable time period for the posting and removal of  
30 political signs. A reasonable time period for this purpose shall  
31 begin at least 90 days prior to the date of the election or vote to  
32 which the sign relates and end at least 15 days following the date  
33 of the election or vote.

1 (e) Notwithstanding any other provision of law, any changes in  
2 the terms of a tenancy ~~in existence on or before January 1, 2012,~~  
3 that are made to implement the provisions of this section and are  
4 noticed pursuant to Section 827 shall not be deemed to cause a  
5 diminution in housing services, and may be enforced in accordance  
6 with Section 1161 of the Code of Civil Procedure.

7 SEC. 2. It is the intent of the Legislature that the enactment of  
8 this bill shall not affect in any way other forms of noncommercial  
9 expression by a tenant when that expression is not associated with  
10 political signs.